IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLIATION 468 OF 2005

IN

SECOND APPEAL NO.212 OF 2005

Ramdas H. Panhale
& Another .. Appellant
(Org. Defendant)

vs.

Somnath T. Galande .. Respondent.
(Org. Plaintiff)

Ms. Surekha G. Jangam, Advocate for the Appellant.
Mr.Somnath T. Galande in person.

CORAM : A.S.OKA, J.

DATED : 16th March, 2005.

P.C. :

1. Rule. Respondent waives service.

2. The decree passed by the Appellate Court is a money decree and therefore the same cannot be stayed unconditionally. The Appellant Plaintiff will have to deposit the decretal amount in the trial Court and the Respondent will have to be permitted to withdraw the said amount on furnishing security to the satisfaction of the

court. The Civil Application is disposed of by passing the following order.

i) The execution and implementation of the impugned judgments and decrees will remain stayed till the final disposal of the Second Appeal subject to the Appellant depositing the entire decretal amount in the trial Court within a period of twelve weeks from today.

ii) If the amount is not deposited within the stipulated time, the order of stay will stand vacated.

iii) In the event the amount is deposited the Respondent will be entitled to withdraw the said amount on furnishing the security to the satisfaction of the trial Court.

iv) There will be no order as to costs.

. Parties to act on the authenticated copy of this order.